

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JEFFREY D. JORLING, on behalf of)
himself and all others similarly situated,)
Plaintiff,)
vs.) 1:09-cv-798-SEB-TAB
ANTHEM, INC. and ANTHEM INSURANCE)
COMPANIES, INC.,)
Defendants.

ORDER ON MAY 20, 2010, TELEPHONIC CONFERENCE

Parties appeared by counsel on May 20, 2010, for a telephonic conference to address pending discovery-related motions. Parties were given an opportunity to be heard on all issues.

After considering the parties' briefing and arguments, the Court rules as follows:

1. Defendants' motion to stay expert and damages discovery and for a protective order pending a summary judgment decision in *Ormond v. Anthem*, No. 1:05-cv-1908-SEB-TAB, [Docket No. 52] is denied. Defendants have not made a sufficient showing to cut off discovery under the three-factor test set out in *Centillion Data Sys., LLC v. Convergys Corp.*, No. 1:04-cv-73-LJM-WTL, 2008 WL 687129 (S.D. Ind. Mar. 10, 2008) (prejudice to non-moving party, simplification of issues, and reduction of litigation burden).
2. Although Defendants' motion to stay is denied, the Court will not permit discovery to proceed without reasonable limits given the pending summary judgment motion and the significant costs associated with the disputed discovery. Plaintiff's motion to take excess depositions [Docket No. 55] is therefore granted in part. Each side may take three expert depositions and six fact witness depositions, and Plaintiff may take one 30(b)(6)

deposition. This order imposes no limits on written discovery.

3. Because the Court is allowing some discovery to proceed, Plaintiff's motion to extend case management deadlines [Docket No. 47] is granted in part. The Court adopts the schedule set out in Plaintiff's motion, extending each deadline by 30 days to compensate for the time passed since the motion was filed, as follows:
 - a. Any remaining discovery relating to the demutualization database shall be completed by July 9, 2010. Plaintiff shall receive from Defendants any and all electronic, supplemental, and/or additional written materials by July 2, 2010. Any Rule 30(b)(6) deposition of Defendants' designated witness for questions relating to the demutualization database shall be taken no later than July 9, 2010.
 - b. Plaintiff shall have up to and including July 30, 2010, to complete any supplementation to its expert disclosures and reports.
 - c. All fact discovery shall be completed by August 26, 2010.
 - d. Defendants shall have up to and including August 30, 2010, to serve their expert witness disclosures and reports.
 - e. Final witness and exhibit lists shall be filed no later than September 30, 2010.
 - f. All discovery on expert and damages issues shall be completed by September 30, 2010.
 - g. All dispositive motions shall be filed by October 30, 2010.

Dated: 05/21/2010

7-13L

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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